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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume*

Summary

The present report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, is being submitted to the Human Rights Council pursuant to General Assembly resolution 75/169. In the report, the Special Rapporteur summarizes State submissions regarding the actions they have taken to combat glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

* The present report was submitted after the deadline so as to include the most recent information.



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I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to General Assembly resolution 75/169, in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit a report on the implementation of that resolution to the Council at its forty-seventh session. The submission was deferred to the forty-eighth session.

2. In the report, the Special Rapporteur summarizes information received from Member States with regard to the implementation of the above-mentioned resolution. She thanks Albania, Argentina, Armenia, Brazil, Burundi, Croatia, Cuba, Cyprus, the Dominican Republic, Ecuador, Germany, Greece, Hungary, Iraq, Israel, Italy, Kyrgyzstan, Malta, Mexico, Namibia, the Netherlands, the Niger, Norway, Qatar, the Republic of Moldova, the Russian Federation, Senegal, Serbia, Spain and Sweden for their contributions. She also expresses her gratitude for the submissions from the European Union and from two non-governmental organizations.

3. The Special Rapporteur outlines the governing principles and obligations of racial equality and non-discrimination, highlighting their application in combating racism and xenophobia. As highlighted in previous reports, she reminds Member States of the strong commitment required to tackle the increase in hate crime and incitement to violence targeting ethnic, racial and religious minorities worldwide.

II. Summary of submissions from Member States

4. In the present section, the Special Rapporteur summarizes Member State submissions on law and policy in place to combat Nazism and neo-Nazism, but does not analyse or evaluate these laws or policies. She underscores that providing the summaries of State submissions below does not constitute her endorsement of the content of the submissions. Indeed, some of the laws and policies summarized below may be, or have been, subject to review and condemnation for being in contravention of international human rights law by other actors within the United Nations human rights system.

Albania

5. The Government of Albania reported that Law No. 10221 of 2010 on protection from discrimination regulated the implementation of the principle of equality and non-discrimination. In 2020, an amendment to the law had introduced definitions of “intersectional discrimination”, “multiple discrimination”, “structural discrimination” and “hate speech”. The Commissioner for Protection from Discrimination was responsible for its implementation and monitoring. In 2020, the Commissioner had dealt with 18 cases alleging discrimination based on race, which had been lodged mainly against central and public institutions.

6. According to the Commissioner, structural discrimination continued to be prevalent and the number of cases involving multiple grounds of discrimination had increased in 2020. In the framework of the mandate, the Commissioner had provided recommendations on the bill on citizenship and the bill on prison police in order to strengthen the implementation of the principle of equality and non-discrimination. The Commissioner had also provided recommendations on the policy of the Ministry of Health and Social Protection with regard to the draft matrix of the action plan for equality, inclusion and participation of Roma and Egyptians (2021–2025). Awareness-raising campaigns had been carried out at the national level for the protection of national minorities.

Argentina

7. The Government of Argentina reported that in 2015 it had created the National Institute against Discrimination, Xenophobia and Racism. Some discriminatory practices against Jews had been addressed through the legal framework; however, some practices had not yet been eradicated. To promote a culture of religious equality, working groups had been created, with more than 20 different beliefs, world views and religions represented; the

members met monthly to address problems relating to religious diversity and to promote dialogue and tolerance among various groups. In order to preserve historical memory and to combat discrimination and hatred, a series of debates had taken place on eliminating all forms of discrimination, in particular based on religion, and on promoting diversity and tolerance.

8. During the previous decade, hate speech had become more of an issue and extremism had become more visible and accessible to individuals or groups of individuals through social media and the Internet. The National Institute against Discrimination, Xenophobia and Racism, within its mandate of awareness-raising, could make proposals to address that issue.

Armenia

9. The Government of Armenia reported that there were no groups or movements of a racist, antisemitic or xenophobic character, including neo-Nazis and skinhead groups, in Armenia. The Constitution contained a non-discrimination principle. Article 9 of the Law on Political Parties prohibited the establishment and operation of political parties whose objectives were to bring about violent change in the constitutional order or territorial integrity, or to incite national, racial or religious hatred, propaganda of violence and war, as well as the establishment and operation of parties that engaged in such activities. The Law on Non-governmental Organizations provided for the suspension of an organization if it was involved in inciting hatred or propagating violence or war. Armenia also referred to article 63 of the Criminal Code, which included as an aggravating circumstance when a crime was committed on the basis of ethnic, racial or religious motives or religious fanaticism.

10. In December 2019, Armenia had adopted a national strategy for human rights protection and a corresponding action plan for 2020–2022, which envisaged liability for hate speech in accordance with international standards. Article 226 of the Criminal Code criminalized the incitement of national, racial or religious hatred, racial superiority or humiliation of national dignity committed: publicly or by mass media, with violence or threat of violence; through abuse of an official position; or by an organized group. The high-tech crimes division of the police monitored the Internet to prevent the dissemination of racist or xenophobic material and to detect and respond quickly to acts of hatred committed on the basis of national, racial or religious grounds.

11. Armenia stated that, in compliance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, the criminalization of public calls for violence, including public justification of or advocating for violence, had been introduced to the Criminal Code (art. 226.2) in April 2020.

Brazil

12. The Government of Brazil stated that with the increase in the use of new information technologies, hate speech and intolerance on the Internet had also significantly increased. In the context of the coronavirus disease (COVID-19) pandemic, a generalized and uncoordinated acceleration of the social process of digital inclusion had taken place, leading to an increase in cybercrime.

13. Acts of incitement to hatred, racial violence and discrimination had been included in the criminal legislation, as had the dissemination of symbols and any form of advertising aimed at promoting Nazism. Since 1980, the neo-Nazism movement had intensified in Brazil. It continued to be active and included more than 12 groups.

14. Brazil referred to the challenges faced in prosecuting acts of hate speech at the national level. Since hate speech had not yet been explicitly criminalized, it was prosecuted as a crime of discrimination, making it difficult to intervene and obtain evidence when hate speech messages were diffused through the Internet. Prevention and repression of such crimes were crucial to combating impunity and avoiding the perpetuation of such actions.

Burundi

15. The Government of Burundi reported that it had recently put in place a legislative framework and institutional mechanisms to prevent and eradicate propaganda and acts that incited violence, ethnic hatred, ethnic intolerance or racial discrimination.

16. The Constitution adopted in 2018 included a number of provisions against all forms of discrimination. The principle of non-discrimination was recognized in article 22. Under article 78, political parties were prohibited from advocating violence, exclusion and hatred of any form based on, inter alia, ethnic, regional or religious affiliation or gender.

17. The 2011 law governing political parties highlighted that parties must combat any ideology and act aimed at promoting violence, hatred or discrimination, including on the basis of ethnic, regional, religious or gender grounds, and further required that parties promote human rights and the rule of law. Article 266 of the 2017 Penal Code provided for prison sentences for persons who engaged in or incited racial or ethnic hatred.

18. Burundi reported the recent establishment of a forum of political parties to prevent intolerance in the political field, and the establishment of the national observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity. It also referred to the work of the National Council for National Unity and Reconciliation, created in 2017, and the Truth and Reconciliation Commission, created in 2014.

Croatia

19. The Government of Croatia reported that it did not face a significant problem regarding antisemitism and intolerance, as reflected by the low number of reports of hate crime. Trust in institutions had increased due to cooperation with civil society organizations and increased awareness of police officers on specific issues affecting some groups.

20. The Government referred to its National Strategy for the Prevention and Suppression of Terrorism and the related Action Plan. Both documents contained measures to prevent and combat the spread of radical and extreme ideologies and acts based on such ideologies. Data collected in relation to such activities had informed the development of the measures. The specific legislative framework for countering racist or xenophobic ideologies or groups included the act on public assembly (art. 3), the act on the prevention of riots at sports events (art. 4) and the Criminal Code (art. 325).

21. Regarding hate speech, Croatia had transposed into national legislation Council of the European Union Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, through the adoption of the amended Criminal Code, which had entered into force on 1 January 2013. The General Police Directorate had been implementing a national preventive project entitled “Together against hate speech”, in cooperation with State authorities, academic and scientific communities, sports organizations, relevant civil society organizations, media, educational institutions, athletes, musicians, artists and other prominent members of society.

22. Learning about the Holocaust was an integral part of the school curriculum and the country used all of the tools developed by the International Holocaust Remembrance Alliance to raise awareness. Croatia had incorporated the working definition of antisemitism, as formulated by the Alliance, into its national plan for the protection and promotion of human rights and combating discrimination for the period 2021–2027, coordinated by the State’s Office for Human Rights and the Rights of National Minorities.

23. Among other good practices, Croatia referred to a monitoring mechanism that collected data on hate crimes. The mechanism was being upgraded with a new protocol for collecting data on hate crimes that would govern procedures for more nuanced classification of data, including separate classification of hate crimes and criminal offences of public incitement to violence and hatred, as well as disaggregation of data based on bias motivation.

24. Croatia also reported on measures aimed at preventing and countering hate speech on the Internet, and referred to good practices that the police had adopted in order to combat antisemitism and other forms of intolerance. The police academy had continuously provided police officers with educational programmes and awareness-raising activities on combating discrimination and various forms of racism and on respecting fundamental human rights.

Cuba

25. The Government of Cuba reported that there were no manifestations or trends of racist or xenophobic movements, ideologies or extremist groups, including neo-Nazi groups, in

Cuba. The Government reported that laws and policies had been adopted to combat and eliminate the persisting vestiges of racism, racial prejudice and racial discrimination. Articles 41 and 42 of the Constitution contained the principles of equality and non-discrimination. In November 2019, Cuba had adopted the National Programme against Racism and Racial Discrimination.

26. The Government expressed its concern about the disturbing wave of racism, racial discrimination and xenophobia at the international level and about the use of social networks and other forms of communication to promote it. The COVID-19 pandemic had further exacerbated discrimination against the poor, people of African descent and migrants. The persistence and reappearance of neo-Nazism, neo-fascism and other violent nationalist ideologies based on racial and national prejudices must be condemned. Cuba reiterated its willingness to contribute to the efforts to achieve full implementation of the Durban Declaration and Programme of Action, as well as to efforts to adopt new practical measures to eliminate contemporary forms of racism, racial discrimination and intolerance.

Cyprus

27. The Government of Cyprus referred to the legislative framework that criminalized racist crime and hate speech, including public acts aimed at promoting hostility between communities and religious groups based on race, religion, colour or gender. Cyprus was a party to relevant international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and the Council of Europe Convention on Cybercrime and the Additional Protocol thereto, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. Council of the European Union Framework Decision 2008/913/JHA had been transposed into national law through the law on combating certain forms and expressions of racism and xenophobia by means of criminal law.

28. Training for police forces included modules on the protection and respect of human rights and diversity, and on combating discrimination, xenophobia, racism and extremist political movement. A memorandum of understanding for the protection and promotion of human rights had been signed between the police and 14 non-governmental organizations. Its main purpose was to improve, and develop closer cooperation for, the protection and promotion of human rights. The memorandum included references to visits to police and detention centres, submission of complaints, exchange of information and education. The Ministry of Justice and Public Order had prepared a national strategy on human rights, which was at the final stage of adoption. The strategy included measures for protecting against antisemitism, racism and intolerance and for combating hate speech.

Dominican Republic

29. According to the Government, marked racism as it was experienced in Europe and in the United States of America and other countries in the region did not exist in the Dominican Republic. Nevertheless, there were isolated cases of discrimination against vulnerable groups. The Constitution provided guarantees to safeguard everyone's rights; article 39 contained the principle of non-discrimination. Article 336 of the Penal Code criminalized any act of discrimination. Laws aimed at combating discrimination against persons of Haitian descent and discrimination based on sexual orientation and gender identity had been enacted.

30. In 2011, the Human Rights Unit had been created within the Public Prosecutor's Office. The main objective of the Unit was to develop and implement policies to prevent human rights violations and to provide support for victims. The Unit had developed training programmes for members of the Public Prosecutor's Office, as well as awareness-raising campaigns to promote the respect of diversity. Advocacy before the Council of Ministers had led to the adoption of two resolutions aimed at eliminating racism and discrimination in public places, such as bars and restaurants, and in access to justice.

31. In relation to Nazism and antisemitism, the Government reported that no complaints had been registered. Regarding xenophobia towards Haitian nationals, such xenophobia was social racism, hidden in economic and cultural issues.

Ecuador

32. The Government of Ecuador reported that no existence of neo-Nazi or skinhead extremist groups, or crimes carried out by such groups, had been documented. All forms of racism and discrimination were condemned in State legislation, as were all practices based on racial or ethnic motivations, which particularly affected people of African descent and other minorities around the world.

33. In 2016 Ecuador had adopted a national policy in compliance with the objectives and goals of the programme of activities for the implementation of the International Decade for People of African Descent. In addition, Ecuador had adopted the Plurinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion, which included affirmative action measures to improve access to employment, health and education and actions aimed at improving the standard of living of those groups that historically had faced discrimination. Article 176 of the Criminal Code criminalized discrimination.

34. In 2014, the National Council for the Equality of Peoples and Nationalities had been created, with representatives from indigenous, Montubio and Afro-Ecuadorian peoples. The main objective was to promote the implementation of public policies to guarantee equality and eradicate discrimination. The Council prepared the National Agenda for the Equality of Nationalities and Indigenous, Afro-Ecuadorian and Montubio Peoples 2019–2021, which contained public policy guidelines for promoting the rights of the groups concerned. The Government also referred to the measures adopted to combat hate speech, including action taken by the Ministry of Culture and Heritage and by the secretariat of the intercultural bilingual education system.

Germany

35. The Government of Germany stated that the COVID-19 pandemic had led to further radicalization of right-wing extremist groups, and noted more activity among those groups, known as *Reichsbürger*. Right-wing extremists made use of the general uncertainty and doubts to disseminate their theories, which were often antisemitic narratives, blurring the lines between their narratives and those of public protests related to the pandemic.

36. As part of a nine-point plan, approved in October 2019, to combat right-wing extremism and hate crime, the Federal Cabinet had adopted measures to investigate right-wing extremism within the public service, and a central department to deal with such activity had been set up at the German domestic intelligence service. The Federal Office for the Protection of the Constitution and members of the Cabinet committee on the fight against racism and right-wing extremism had also drawn up a comprehensive catalogue of 89 measures, which the Federal Cabinet had adopted on 2 December 2020. The final package of measures comprised projects in various policy areas to combat right-wing extremism, racism and all forms of group-focused enmity on a broad scale. In 2020, the Federal Minister of the Interior, in accordance with national legislation, had banned a number of right-wing associations – Combat 18 Germany, Nordadler, Wolfsbrigade 44, and Geeinte Deutsche Völker und Stämme, a *Reichsbürger* association – entailing their dissolution, confiscation of assets, a prohibition on the creation of successor or substitute organizations and a prohibition on the use of their symbols.

37. In 2017, Germany had adopted the international working definition of antisemitism as formulated by the International Holocaust Remembrance Alliance. In 2018, it had appointed its first commissioner for Jewish life in Germany and the fight against antisemitism; federal states had followed that pattern.

38. Education was crucial to preventing antisemitism. Young people were at a greater risk of developing attitudes based on hate speech spread through social media and the Internet. It was therefore important for schools to be prepared to provide the necessary information and education. It was also necessary to train teachers and instructors on how to recognize antisemitism, so they could act as needed. Furthermore, it was necessary to keep alive a culture of remembrance, which must engage the public as a whole, especially the younger generation.

Greece

39. The Government of Greece reported that the number of incidents with characteristics indicating that a racist motive was probable had increased between 2018 and 2019, due in part to the enhanced ability of prosecutors and police authorities to identify and detect crimes involving racism. In October 2020, the Athens appeals court had convicted the General Secretary of the Golden Dawn, a far-right political party in Greece, and several former Members of Parliament who belonged to that group, for leading and participating in a criminal organization.

40. The Government referred to Law No. 4356/2015, by which it had established the National Council against Racism and Intolerance, composed of representatives of the State and civil society organizations. The National Council had developed the National Action Plan against Racism and Intolerance covering the period 2020–2023, and would be responsible for monitoring its implementation.

41. Article 82a of the Penal Code (as amended by Law No. 4619/2019) stipulated that a crime with racist characteristics had been committed if the victim was selected on the basis of his or her race, colour, nationality or ethnicity, genealogical descent, religion, disability, sexual orientation, identity or gender. Article 184.2 of the Penal Code criminalized acts that incited the commission of crimes against, violence against or discord against a group or a person identified on the basis of race, colour, national or ethnic origin, genealogical descent, religion, disability, sexual orientation, identity or gender characteristics. Article 2 of Law No. 927/1979 (as amended by Law No. 4285/14) criminalized any action aimed at condoning, trivializing or maliciously denying the existence or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes. An aggravating circumstance applied when such behaviour could incite violence or hatred against, or was threatening or abusive towards, a specific group or its members. A guide for victims of racist crimes had been prepared and disseminated among relevant actors, including civil society organizations.

42. Greece had adopted, on 8 November 2019, the working definitions of antisemitism and Holocaust denial formulated by the International Holocaust Remembrance Alliance, and had appointed a special envoy to monitor and combat antisemitism and safeguard the memory of the Holocaust.

Hungary

43. The Government of Hungary reported that article XV of the Fundamental Law contained the principle of equal treatment. Hungary had declared a zero-tolerance policy against antisemitism. In addition to ensuring a comprehensive legal framework aimed at providing protection for the Jewish community through several laws, including the Fundamental Law, the Criminal Code, the Civil Code and the Media Act, the Government had endorsed the working definition of antisemitism formulated by the International Holocaust Remembrance Alliance.

44. According to a 2018 survey conducted by the European Union Agency for Fundamental Rights, Hungary was one of the safest countries in Europe for members of Jewish communities. The results of the regular monitoring activity of the Action and Protection Foundation, carried out in cooperation with the Government of Hungary, had indicated that the number of antisemitic incidents in the country had decreased over the past 10 years.

45. In January 2012, the police had set up an independent system of experts on hate crime. A guidance system created at the national level involved cooperation with the Working Group against Hate Crimes, established in 2012 by Hungarian non-governmental organizations, in order to combat hate crimes more effectively. The definition of indicators to identify intolerance and hate motivation had been highly effective.

Iraq

46. The Government of Iraq stated that there were no Nazi or neo-Nazi groups or movements in the country. However, as of mid-2014, Da'esh terrorist groups had emerged

and had been involved in large-scale human rights violations against Iraqis in general and against specific ethnic and religious groups. The acts included killings, torture, kidnapping, rape, sexual slavery, forced religious conversion and child recruitment, amounting to violations of international humanitarian law; some of the acts might amount to crimes against humanity.

47. The Government referred to legal measures to counter extremist political parties and movements, in particular Law No. 32 of 2016, prohibiting entities or political parties that adopted, incited or promoted ideologies of racism, terrorism, *takfir* or ethnic cleansing. The Law on Political Parties (No. 36 of 2015) prohibited the creation of political parties based on racist grounds, terrorism, *takfir*, or ethnic, sectarian or national extremism. The Government further highlighted that Iraq spared no efforts to ensure respect for and protection of religious symbols, shrines and buildings. The telecommunications authority had issued several guidelines, including on the prohibition of incitement to violence and hatred.

Israel

48. The Government of Israel stated that, historically, times of crisis had created fertile ground for extremism and radicalization. The COVID-19 outbreak was no exception and had been used to disseminate racism, xenophobia and antisemitism. Both quantitative and qualitative data analysis indicated that extremist groups across the ideological spectrum were capitalizing on the uncertainty created by the pandemic to scapegoat specific groups. Rampant spread of fake news, misinformation and hate speech surrounding the novel coronavirus constituted unequivocal demonstration of the imperative need to confront online hate speech.

49. In a politically and socially polarized era, the COVID-19 pandemic had amplified already existing tensions and divisions within societies. Although it was still early to assess the effects of the COVID-19 outbreak on radicalization and antisemitism, the great economic depression the world was facing could lead to a significant surge in general criminality and hate crime.

50. Regarding hate speech, the growing awareness of the major role of the Internet and social media in the proliferation of all forms of hatred – including as vectors and amplifiers of radicalization – had prompted governments and civil society actors to commit to building a safer Internet, including through measures to encourage collaborative work with technology giants, initiate legislation and impose heavy sanctions. However, the regulation of the virtual space remained an enormous transnational challenge requiring greater international cooperation; such cooperation could prove fundamental for providing an effective strategy.

51. Despite overall positive trends in hate speech regulation on mainstream social media platforms, there was still considerable room for improvement. Efforts to tackle online hate speech had resulted in the migration of many extremists to alternative social media platforms. That phenomenon demonstrated the imperative need to adapt policies, regulations and legislation to that alternative environment. Although social media sites could and should do significantly more to address the dissemination of prohibited hateful content, mainstream platforms seemed to have managed to expel a considerable proportion of their most openly extremist users. That encouraging data should be interpreted cautiously, as a large amount of hate speech remained online.

52. The alternative social media platforms had become a haven for white nationalists and neo-Nazis. The Antisemitism Cyber Monitoring System, a real-time monitoring system based on artificial intelligence and semantic analysis technologies, showed that the proportion of content glorifying Nazi ideology, denying or distorting the Holocaust, and calling for violence against Jews seemed significantly higher within alternative social media environments than on mainstream platforms.

53. On February 2021, the Ministry of Diaspora Affairs, the Ministry of Strategic Affairs and Public Diplomacy and the Ministry of Foreign Affairs, which were in charge of combating antisemitism and the delegitimization of Israel, proposed policy to incorporate a coordinated government approach to combating antisemitic hate speech online. The draft proposal was still under discussion.

Italy

54. The Government of Italy reported on the mandate and role of the National Office against Racial Discrimination, which was responsible for protection against all forms of discrimination on the grounds of race, ethnic origin, religion or belief, age and sexual orientation or gender identity. The Office contributed to monitoring trends and manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the national level and played a role in recording, managing and analysing complaints of discrimination. The Office had provided support to victims of discrimination through a contact centre, collecting data on and monitoring causes of discrimination. Over the past few years, the reports handled by the Office had confirmed that discrimination on the ground of race or ethnic origin was the most prevalent, followed by religion and sexual orientation or gender identity.

55. Italy reported on its legislative framework to combat racism, xenophobia, radicalization and violent extremism. A technical working group for the recognition of the definition of antisemitism had been established through a ministerial decree dated 16 June 2020. The working group had delivered its final report in January 2021, which contained a proposal for a national strategy against antisemitism that would be presented to the current Government for approval. The strategy had been drafted following the requirements set forth by the Council of the European Union in its declaration on mainstreaming the fight against antisemitism across policy areas. Regarding measures aimed at combating hate speech online, the strategy included a recommendation to approve parliamentary proposals that favoured changes in social media platform policies in order to guarantee a uniform and efficient system for reporting and removing hate speech. The strategy presented a comprehensive plan of action to combat antisemitism and any other form of discrimination.

56. Regarding the prevention and combating of online hate speech, the Postal and Communications Police had begun to implement, throughout the national territory, strategies to identify web platforms used to disseminate such messages and the authors of those messages. The serious ongoing social and health emergency, together with the restrictions introduced by governmental decrees to counter the spread of COVID-19, had inevitably led to intense counterinformation activity, which in turn had spurred acts of incitement and protest.

Kyrgyzstan

57. The Government of Kyrgyzstan reported that article 4 of the Constitution prohibited the creation of political parties on a religious or ethnic basis, as well as the pursuit of political goals by religious associations. Kyrgyzstan was taking measures to counter and eradicate manifestations of extremism and its trends. The following religious organizations had been banned due to extremism: Hizb ut-Tahrir, the Taliban movement, the Unification Church, At Takfir Wal-Hijra, Akromiya and Yakyn Inkar.

58. Article 16 of the Constitution guaranteed the principle of equality, and discrimination based on race and ethnicity was punishable by law. Following up on recommendations of the Committee on the Elimination of Racial Discrimination, the Government had adopted anti-discrimination legislation, which had been included in its interdepartmental plan for 2019–2022. A new law on counteracting extremist activity was also being developed.

59. Between 2013 and 2017, a strategy on strengthening the unity of the people and interethnic relations had been successfully implemented; a specific agency had been created to ensure the implementation. In 2014, the agency had created a system for early response to and prevention of interethnic conflicts. Since 2014, the early warning system had carried out 10,128 preventive measures, and considered 5,908 appeals from citizens on the ground. The agency had also exchanged information with various national authorities and bodies working to combat extremism.

Malta

60. The Government of Malta reported on the development of its first National Action Plan against Racism and Xenophobia. The Human Rights Directorate coordinated a two-year project entitled “Equality for All in Malta”, which was funded under the Rights, Equality and

Citizenship Programme of the European Union and was being carried out in partnership with aditus foundation, the European Network against Racism and the European Network on Religion and Belief.

61. Among other things, the project would target members of minorities, including victims of discrimination based on religion or belief, race and/or ethnic origin, and/or multiple discrimination, to empower them to be able to enjoy their rights and to ensure access to legal remedies. The project was also aimed at raising awareness about European Union directives and national legislation related to discrimination based on religion or belief, race and ethnic origin, and multiple discrimination; intercultural understanding; and equal opportunities. The project would include a review of measures adopted by the State aimed at preventing and countering hate speech, including on the Internet.

Mexico

62. The Government of Mexico reported that, in accordance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, it had adopted the Federal Law to Prevent and Eliminate Discrimination. Through the Law, the Government promoted the prevention and eradication of hate speech in coordination with public institutions, the private sector and civil society organizations, and implemented administrative reparation measures, which could include restitution of the right, compensation for the damage caused, a public warning, a public or private apology and guarantees of non-repetition of the discriminatory act or social practice.

63. In addition, Mexico referred to the educational programmes and awareness-raising campaigns being carried out to counteract the negative influence of discrimination. The National Council for the Prevention of Discrimination had developed a public action guide for the prevention of racial profiling practices, with the objective of preventing discrimination by federal migration agents. The awareness-raising activities included a programme entitled “¡Yo soy yo!”, aimed at raising awareness of social prejudice, discrimination and hate speech, as well as the organization in 2018 and 2019 of a camp for young people that had incorporated the objectives of the No Hate Movement. In follow-up to the camp, a network of advocates had been established to contribute to the fight against discrimination and racism. Other movements against hate speech had emerged, such as the social movement called “Sin Odio: Movimiento Frente al Discurso de Odio”. In 2020, the handbook *¡Si podemos!* (We can!), which referred to narratives and counternarratives with real life examples, had been launched officially.

64. The emergence of COVID-19 in Mexico had exacerbated hate speech and xenophobia; social classes had been stigmatized through systematic hate speech. The National Programme for Equality and Non-Discrimination for 2019–2024, which was aimed at promoting the exercise of human rights without discrimination in the public sector and civil society, was in the process of publication and implementation. Activities undertaken by the National Council for the Prevention of Discrimination had included developing working groups on religious diversity, commemorating the Holocaust, and developing workshops on the role of education in combating antisemitism.

Namibia

65. The Government of Namibia reported that there had been no new trends or manifestations at the national level of extremist groups or movements that sought to promote racist or xenophobic ideologies. The Constitution provided for the right to equality and non-discrimination under article 10, and article 23 explicitly prohibited practices of racial discrimination and apartheid ideologies. The Racial Discrimination Prohibition Act (Act No. 26 of 1991) criminalized such practices. Reported cases of racial discrimination were investigated and prosecuted.

66. The Electoral Act (Act No. 5 of 2014) regulated the establishment of political parties and their conduct. Section 135 of the Act prohibited the formation of a political party if the objectives of the party included causing division on the grounds of race and colour. A registered political party was prohibited from conducting its political activities in such a way that it excluded membership on the basis of race, ethnic origin or colour, among other

grounds. The Government further affirmed its commitment to take necessary policy and legislative measures to combat racism. In that regard, it had adopted the Repeal of Obsolete Laws Act (Act No. 21 of 2018) to abolish laws from the apartheid era that were discriminatory on grounds of race, sex, ethnic origin, colour or economic status.

Netherlands

67. The Government of the Netherlands reported that insulting statements and incitement to hatred, discrimination or violence against a group of persons based on their race, religion or beliefs was a punishable offence in its Criminal Code. The case law of the Supreme Court of the Netherlands included cases involving antisemitic statements and denial of the Holocaust.

68. On 27 November 2018, the parliament had endorsed the International Holocaust Remembrance Alliance working definition of antisemitism as a non-legally binding definition. Within the national legal system, judges still had discretion to decide where the boundaries and limitations of freedom of expression were.

69. The Government also reported on the establishment of a national coordinator on antisemitism, within the Ministry of the Interior and Kingdom Relations, and a unit within the Public Prosecution Service that coordinated the bringing to court of criminal cases relating to hate crimes, which included antisemitic offences. The parliament had recently passed several motions calling on the Government to appoint a national coordinator to combat discrimination, racism and antisemitism. The Government was currently analysing the motions and would decide on their implementation later in the year.

70. Locally operated anti-discrimination facilities and the police jointly published an annual report containing all available data with regard to the issue of discrimination, including antisemitic incidents. The Public Prosecution Service also issued reports. In addition, the annual report of the private interest group Centre for Information and Documentation Israel, specifically dedicated to documenting the nature and extent of antisemitic incidents in the Netherlands, was an important source of knowledge.

Niger

71. The Government of the Niger stated that there were no neo-Nazis or skinhead groups or any other extremist political parties, movements, ideologies or groups of a racist or xenophobic nature in the country. Regarding the legal framework to prevent extremism, intolerance and xenophobia, the Government referred to article 4 of the Constitution and to article 102 of its Penal Code, which provided for the criminalization of acts of racial or ethnic discrimination, regionalist propaganda and manifestations against freedom of conscience and worship. The Niger further referred to article 2 of Ordinance No. 84-06 of March 1984, which prohibited regional or ethnic associations. Ordinance No. 99-59 of December 1999 relating to the charter of political parties provided that political parties were required to respect the dignity and honour of others and to ban insults.

Norway

72. The Government of Norway stated that its population had positive attitudes towards religious minorities. However, surveys also showed that many different minority groups experienced racism and discrimination. In its political platform, the Government reaffirmed its commitment to combat racism, religious discrimination, antisemitism, social control and prejudice based on ethnicity.

73. Prejudice against and hostility and negative attitudes towards Muslims was a real and growing problem in Norway, as it was in many parts of the world where there had been an increase in discrimination against and attacks on Muslims. The threat assessments conducted by the Police Security Service in recent years showed that there had been an increase in the number of right-wing extremists in Norway. Therefore, the Government had recently decided to develop an action plan against discrimination and hatred towards Muslims. Antisemitism and hostile attitudes towards Jews still existed in society in Norway. The Government had therefore renewed its existing action plan against antisemitism for the period 2021–2023.

74. Norway had adopted the comprehensive Equality and Anti-Discrimination Act in 2017 with the purpose of promoting equality and preventing discrimination on the basis of ethnicity, religion and belief. The Equality and Anti-Discrimination Ombud had been strengthened as a strong advocate of equality, and enforcement had been transferred to a new anti-discrimination tribunal, which was empowered to provide compensation in discrimination cases.

75. Norway pointed to a number of measures taken, which included the strengthening of the action plan against radicalization and violent extremism; the action plan to combat discrimination and hatred towards Muslims (2020–2023); the action plan against antisemitism (2021–2023); and the action plan against racism and discrimination on the grounds of ethnicity and religion (2020–2023). It also reported on the creation, in 2021, of a national hate crime expertise group within the police, aimed at strengthening the capacity of the police to prevent and combat hate crime.

Qatar

76. The Government of Qatar reported that several laws in its constitutional and legal systems explicitly prohibited racism and discriminatory practices, including Law No. (8) of 1979, on publications and publishing, which prohibited the publication of material that would spread discord among individuals in society or incite sectarian, racial or religious strife and provided for penalties of imprisonment or fines for related violations. Article 2 of decision No. 11 of 1992, issued by the minister responsible for information and culture, regarding the foundations and rules of censorship, stipulated that regulatory bodies at the ministry of information and culture – for written, audio or other works – were not to authorize the circulation, broadcasting or presentation of material that subjected any race or ethnic group to ridicule, unless it was necessary to create a positive impression for “a noble purpose”. The Penal Code of 2004 further criminalized acts related to insulting the divine religions, insulting the divinity, insulting the prophets, and sabotaging, damaging or desecrating buildings intended for religious rituals.

Republic of Moldova

77. The Government of the Republic of Moldova reported that recommendations of international human rights mechanisms on combating racism, racial discrimination, xenophobia, antisemitism and intolerance were reflected in the country’s National Human Rights Action Plan for the period 2018–2022.

78. As part of the Government’s commitment to promote a zero-tolerance policy for crimes motivated by prejudice, while recognizing the special nature of those offences, a draft law on amending legislation on hate crimes and denial of the Holocaust was currently under discussion in Parliament. Multiple consultations with national and foreign experts preceded the development of the draft law; recommendations and proposals by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and civil society organizations had enriched the consultation process.

79. Furthermore, a draft law amending the Criminal Code and Law No. 64 of 2010, on freedom of expression, had been developed to establish criminal liability for the commission of crimes that spread racism, xenophobia or totalitarian ideologies such as fascism, or denial of the Holocaust. The draft law was aimed at eliminating all forms of discrimination, and ensuring the investigation of and punishment for such behaviour. On 4 February 2021, the draft law had been adopted by Parliament in the first reading.

80. The regional project entitled “Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”, funded by the European Union, was currently being implemented by the Council of Europe. The project included training on non-discrimination and equality for approximately 1,900 sector police officers and 625 criminal prosecution officers.

81. Additional measures had been taken in the country, including the adoption of the second action plan, for 2021–2024, on promoting the memory of the Holocaust and a culture of tolerance to combat racism, antisemitism, xenophobia and other forms of intolerance. The

Government also reported on the activities carried out by the Council for Preventing and Eliminating Discrimination and Ensuring Equality.

Russian Federation

82. The Government of the Russian Federation stated that in the work of law enforcement agencies, particular importance was attached to the fight against Nazism, nationalism, manifestations of racism and religious intolerance, as well as the spread of neo-Nazi, extremist and other radical ideologies and views.

83. The Government condemned all propaganda and activities of all organizations that were founded in ideas or theories of superiority based on racial nationality or ethnicity, and consistently took the necessary measures to eradicate any incitement to that kind of hatred or discrimination. Article 19 of the Constitution guaranteed the principle of equality, and article 13 prohibited activities aimed at inciting racial hatred. The Federal Law on countering extremist activity defined the legal and organizational framework for countering extremist activities.

84. The Strategy of the State Nationality Policy had been extended until 2025. Its main objectives were to: prevent and suppress attempts to incite racial, national and religious hatred; promote zero tolerance of the dissemination of ideas of extremism and xenophobia; improve the legal framework of early warning responses to interethnic conflicts; and adopt legal and institutional measures to prevent activities aimed at the revival of nationalist ideology or at reproducing the ideas of Nazism. The revised version of the strategy was based on an analysis of threats of extremism in the country and the identification of the main factors that had a negative impact on inter-ethnic and interfaith relations.

85. Measures had been adopted to remove from social networks prohibited information and to abolish groups dedicated to the dissemination of such information. A system to monitor inter-ethnic and interfaith conflicts had been created, in order to identify conflict and pre-conflict situations in a timely manner to ensure a prompt response. As part of its preventive activities, the federal agency on nationalities carried out activities aimed at the harmonization of interethnic relations and the formation of a respectful attitude towards representatives of other nationalities and cultures.

86. The Government had prohibited the use of Nazi symbols, as well as propaganda, or the public display of attributes or symbols, of organizations that collaborated with groups, organizations, movements or persons found to be guilty of the commission of crimes related to Nazism. Any attempts by public figures to engage in activities, including the construction of monuments and memorials or the renaming of streets, to glorify Nazism were strongly condemned. Articles of a patriotic nature, historical materials and other publications that promoted inter-ethnic and interreligious tolerance were published on the Internet. The Government also reported on action taken and investigation of cases regarding the resurgence of Nazism.

Senegal

87. The Government of Senegal provided information regarding the legal framework in place to combat all forms of discrimination, in particular racism, and referred to article 166bis of its Criminal Code. Defamation of and insults against a group of persons based on their race, and the publication or promotion of racial superiority, were criminalized. Senegal highlighted its commitment to punish acts of intolerance. The legislation also included reference to the use of new information technologies to combat racial discrimination and xenophobia effectively. Prosecution of such crimes remained a challenge due to the lack of adequate resources and the difficulties faced in international cooperation in the field of criminal law.

Serbia

88. The Government of Serbia reported that articles 5 and 55 of its Constitution prohibited political parties or any other association whose activities were aimed at violently overthrowing the constitutional order, at committing violations of human rights or at inciting

racial, national or religious hatred. Since the implementation of the application of the Law on Political Parties, no procedure to ban a political party had been registered.

89. There were groups and movements that expressed their ideology through various forms of racism, racial discrimination, xenophobia and intolerance. A significant part of their activities, especially during the current epidemiological situation, was carried out on the Internet. The Government reported on its strategic legislative and institutional framework for the protection of the human rights of minorities and for combating discrimination and hate speech. Although hate speech was not criminalized as a specific offence, the current legal framework allowed for effective prosecution. Since the beginning of 2018, numerous activities had been implemented to improve the capacity of relevant State authorities and civil society organizations to enforce legal provisions covering hate speech. Measures had been adopted to combat hate speech and discrimination in sports.

90. Serbia reported on the measures and activities to combat discrimination against Roma. A social dialogue on the theme “Hate speech, tolerance and Roma” was being organized to analyse the results of efforts to combat discrimination and eliminate prejudice against Roma and to seek solutions to strengthen and build new capacities in anti-discrimination policy. Serbia continuously monitored the strategy for the social inclusion of Roma (2016 to 2025).

91. To combat racist hate speech on online platforms, Serbia had ratified the Council of Europe Convention on Cybercrime and the Additional Protocol thereto concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The special prosecutor’s office for cybercrime was specialized in cybercrime cases and undertook measures against hate speech on the Internet. In July 2019, the Ministry of Culture and Information, in cooperation with the Council of Europe Office in Belgrade, had published the Serbian version of *Protecting the Right to Freedom of Expression under the European Convention on Human Rights*, a Council of Europe handbook for legal professionals. In the handbook, special attention was paid to combating violence, hate speech and racism. A code of citizens’ rights on the Internet would be prepared, containing recommendations for rules of conduct to protect the rights of citizens, especially children, from hate speech and discrimination on any ground.

92. In 2020, Serbia had adopted the working definition of antisemitism formulated by the International Holocaust Remembrance Alliance. On 24 February 2020, it had adopted the Law on the Staro sajmište Memorial Centre, a cultural institution to preserve the memory of the victims of the former Nazi concentration camp. Projects to commemorate the victims of the Holocaust and crimes against humanity during the Second World War were continuously supported.

Spain

93. The Government of Spain stated that the Criminal Code contained provisions to prevent and combat hate speech, as well as to prevent its dissemination. Article 510 (1) of the Criminal Code criminalized discrimination as a preventive measure to combat hate speech, whether on racial or antisemitic grounds or other grounds relating to ideology, religion, beliefs or family situation. The article also prohibited hate speech through the Internet.

94. Legislation was also in place to combat extremist groups of a racist or xenophobic nature, including neo-Nazis or similar groups. The definition of unlawful associations contained in article 515 of the Criminal Code referred to those that “promote or incite directly or indirectly hatred, hostility, discrimination or violence against persons or groups of persons because of their ideology, religion or beliefs”. The parliament was in the process of proposing a comprehensive law containing a set of regulations that would comprise both the fundamental decisions of Spanish anti-discrimination law and its basic guarantees. In accordance with article 9 (2) (a) of Organic Law No. 6/2002 of 27 June 2002, political parties could be declared illegal if they engaged in the exclusion or persecution of people because of their ideology, religion or beliefs.

95. Those measures had been complemented by other good practices, such as an inter-institutional agreement to fight racism, xenophobia and intolerance, the creation of the Council for the Elimination of Racial or Ethnic Discrimination, the elaboration of studies on

the perception of discrimination in 2020, the adoption of the action plan to combat hate crimes, and the publication of annual reports on hate crime.

Sweden

96. The Government of Sweden reported that violent far-right extremism was a growing concern. According to the Swedish Security Service, the existence of a xenophobic and radical nationalist flow of ideas had increased in the society, especially on the Internet.

97. Sweden had adopted, in 2016, a national plan to combat racism, similar forms of hostility and hate crime. The national plan was a tool for preventing and combating racism and polarization in society. In it, the Government had stressed the importance of working on a broad front against racism, similar forms of hostility and hate crime while maintaining a focus on particular forms of racism, such as Afrophobia, anti-Gypsyism, antisemitism, Islamophobia and racism against the Sami peoples. Since 2020, Sweden had been strengthening the national plan, including by allocating adequate resources for its implementation. New measures would be implemented within the framework of the five strategic areas of the national plan: dissemination of knowledge, educational programmes and research; improved coordination and monitoring; greater support to civil society and more in-depth dialogue; strengthened preventive measures online; and a more active legal system.

98. The National Council for Crime Prevention had conducted an in-depth study of antisemitic hate crime and had found that antisemitism was present in broad layers of the population. The Council was currently conducting equivalent studies on hate crime rooted in Islamophobia and Afrophobia. A national centre for preventing violent extremism had been established under the auspices of the National Council for Crime Prevention.

99. At the end of 2020, the Ombudsman for Children had been in the process of compiling information about children and young people's vulnerability to different forms of racism, including antisemitism. The main purpose was to understand the different manifestations of racism against children and young people and how racism could affect their lives, in order to adopt measures to address those issues.

100. In 2019, Sweden had appointed an all-party committee to consider the introduction of specific criminal liability for participation in a racist organization and a ban on racist organizations. The committee was to submit its report in April 2021.

III. Summary of submissions from intergovernmental organizations and civil society organizations

European Union

101. The European Union highlighted that the COVID-19 crisis had exacerbated certain forms of discrimination and intolerance, including an increase in hateful conspiracies scapegoating minorities for being responsible of the spread of the virus. The European Union stressed the need to pay particular attention to the way intolerance and racism proliferated online and how social media platforms were misused to propagate hateful messages. Muslims and migrants, as well as other groups, including Jews, were often the groups most exposed to hate speech online. The results of monitoring exercises on the implementation of the code of conduct on countering hate speech online showed that anti-Muslim hatred, jointly with xenophobic hatred against refugees and migrants, were often among the most widespread grounds of intolerance.

102. The code of conduct on countering online hate speech, signed in 2016 with major social media companies, including Facebook, Twitter, YouTube and, most recently, TikTok, Instagram and Snapchat, had quickly achieved progress in identifying and taking action against hate speech.

103. The European Commission had presented the European Union anti-racism action plan for 2020–2025 on 18 September 2020, aimed at stepping up action and building a truly anti-

racist European Union. The action plan set out several measures to tackle all forms of racism and racial discrimination.

104. On 19 October 2020, the European Commission announced the elaboration of a comprehensive and ambitious strategy on combating antisemitism and fostering Jewish life, to complement and support Member States' efforts given the rise in antisemitic violence and hate crime. On 2 December 2020, the Council of the European Union had adopted a declaration on mainstreaming the fight against antisemitism across policy areas. The European Commission had also established a working group on combating antisemitism to support Member States in adopting, at the national level, holistic strategies to prevent and combat all forms of antisemitism as part of their strategies on preventing racism, xenophobia, radicalization and violent extremism.

Civil society organizations

105. One civil society organization expressed concern over the harmful activities of the "Grey Wolves" group and its members, whose ideology is characterized by extremist nationalism and racist violence against ethnic minorities in Turkey and around the world. Another organization expressed concern about the increase in intolerance against Muslims in India, including through the adoption of legislation and policies. It referred to political and public statements inciting hatred against Muslims, and reported that initiatives to counter the rising intolerance, such as a campaign against hate speech, had been initiated by civil rights activists and concerned citizens.

IV. Applicable racial equality framework

106. The Special Rapporteur recalls that international human rights law is based on the premise that all persons, by virtue of their humanity, should enjoy all human rights without discrimination on any grounds. Article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination. The Special Rapporteur reiterates that the prohibition on racial discrimination is aimed at guaranteeing substantive equality rather than a formal provision of equality.¹ States must take action to combat intentional or purposeful racial discrimination, as well as de facto or unintentional racial discrimination.

107. The International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights both impose strong limitations on the propagation of racist and xenophobic ideas, and outlaw the advocacy of national, racial or religious prejudices that amount to incitement to discrimination, hostility or violence. Speech that constitutes advocacy of antisemitic racial and religious prejudices amounting to incitement to discrimination, hostility or violence is thus unlawful and prohibited under the applicable legal frameworks.

108. The Special Rapporteur recalls that in accordance with article 2 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties are not to sponsor, defend or support racial discrimination by any persons or organizations, including those espousing racial superiority and intolerance. Article 4 of the Convention requires States parties to condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. This means that States parties must take action to prohibit organizations that meet the conditions articulated in article 4 (b), including in contexts in which such organizations use antisemitic fervour to attempt to mainstream their extreme ideologies or racial, ethnic or religious hatred and intolerance. Legislation alone is not sufficient. Article 6 of the Convention makes clear that effective protection from and remedies for racial discrimination are just as important as formal provisions.

¹ Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009), paras. 6–10.

109. Article 4 of the Convention also requires States parties to undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to make punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. The Committee on the Elimination of Racial Discrimination has recommended concrete guidance for States parties on the adoption of legislation combating racist speech falling under article 4, and the Special Rapporteur encourages States to review general recommendation No. 35 (2013) in order to benefit from that guidance. In the general recommendation, the Committee recalls that the proscription of racist hate speech and the flourishing of freedom of expression should be seen as complementary, and that the rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law, policy and practice as mutually supportive human rights.

110. Article 19 of the International Covenant on Civil and Political Rights protects freedom of opinion and of expression. Any restriction on freedom of speech must not only be a matter of necessity, but must be proportionately tailored to achieve the legitimate end that warrants the restriction. Article 20 of the Covenant states specifically that States parties must prohibit, by law, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Human Rights Committee and a number of other human rights mechanisms have interpreted this provision as creating a high threshold, because limitations on speech must remain exceptional. When individuals or groups meet this high threshold, including in the context of antisemitic hate speech, States must hold these actors to account for their violations of international human rights law.

111. The Committee on the Elimination of Racial Discrimination has reiterated that freedom of expression is integrated into the Convention, and that the Convention contributes to a fuller understanding of the parameters of freedom of expression under international human rights law. For determining what racist expression should be punishable by law, the Committee stresses the importance of context, which includes: (a) the content and form of the speech; (b) the economic, social and political climate; (c) the position or status of the speaker; (d) the reach of the speech; and (e) the objectives of the speech. Member States, and even private actors such as the technology companies that often directly interface with racist and xenophobic content online, must remain vigilant in their identification of racist expression in national climates in which certain groups, including neo-Nazis, are openly committed to spreading and enforcing intolerance. The Committee warns that racist speech may sometimes rely on indirect language to disguise its targets or objectives, and may rely on coded symbolic communication to achieve its ends. Even incitement may be express or implied, through actions such as displays of racist symbols or the distribution of materials as well as words.²

112. Member States must take urgent action to ensure that racist expression violating the standards set out in the International Convention on the Elimination of All Forms of Racial Discrimination are made punishable by law. The Committee on the Elimination of Racial Discrimination has recommended that the criminalization of forms of racist expression be reserved for serious cases, to be proven beyond reasonable doubt, that the application of criminal sanctions be governed by the principles of legality, proportionality and necessity, and that less serious cases should be dealt with using non-criminal sanctions.³

113. The Special Rapporteur also recalls that in paragraph 84 of the Durban Declaration, the participants at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance condemned the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice. In paragraph 85 of the Declaration, they condemned political platforms and organizations based on, among other things, doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, highlighting that they were incompatible with democracy and transparent and accountable

² Committee on the Elimination of Racial Discrimination, general recommendation No. 35, paras. 7 and 16.

³ *Ibid.*, para. 12.

governance. Participating States also reaffirmed, in paragraph 94 of the Declaration, that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations was not only an act of racial discrimination but could also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle that reinforced racist attitudes and prejudices and required universal condemnation.

V. Conclusions and recommendations

114. The Special Rapporteur recommends that Member States take concrete actions to combat and prevent manifestations of antisemitism in accordance with international human rights standards, and provide effective remedies to those who have experienced antisemitic human rights violations.

115. She urges States to comply fully with their obligations as enshrined in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, and reiterates her encouragement to those States that have made reservations to article 4 of the Convention to withdraw those reservations and commit to the obligation to tackle hate speech and incitement to violence.

116. The Special Rapporteur also urges States to take concrete actions to ensure the full and effective implementation and dissemination of the Durban Declaration and Programme of Action.

117. She reiterates her recommendation that Member States should implement the concrete recommendations that other United Nations bodies, especially the Committee on the Elimination of Racial Discrimination, have made pertaining to combating racist and xenophobic expression.

118. The Special Rapporteur would like to stress the importance of reliable disaggregated data and statistics on racist, xenophobic and antisemitic crimes. The collection of data regarding the ideological affiliations of perpetrators, as well as the identity of victims, in cases involving suspected or alleged hate crimes is vital for understanding the prevalence of hate incidents and for designing measures to combat them. Data are also vital for monitoring racist crimes and assessing the impacts of measures taken to address such crimes. A lack of consistent and reliable reporting on antisemitic violence and other hate incidents is an issue in almost every country examined, and official statistics are often much lower than those reported by non-governmental organizations, which allow direct reporting on the Internet. The discrepancy between official data and unreported incidents reveals the need for more comprehensive, accessible, safe and dependable networks for reporting antisemitic violence. Civil society must continue and strengthen its role in collecting data and working with victims, who may not feel safe reporting incidents to authorities.

119. The Special Rapporteur highlights the need to develop and implement effective, inclusive and comprehensive frameworks complemented by other means to combat racism. In this regard, collaboration with civil society and international, regional and national human rights mechanisms can reinforce the efforts to counter antisemitism and extremist movements and groups, including neo-Nazis. In particular, civil society can play a vital role in collecting information on racist crimes, working with victims and raising awareness. The Special Rapporteur encourages robust coordination between governmental structures and civil society entities to amplify efforts to develop and implement relevant legislation and policies.

120. Member States must take urgent and active measures to ensure that educational systems develop the content necessary to promote truthful accounts of the past and to promote tolerance and other international human rights principles.